

BEFORE THE MERIT EMPLOYEE RELATIONS BOARD
OF THE STATE OF DELAWARE

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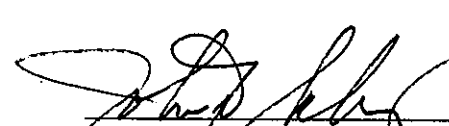
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|-------------------------------|---|--------------------------------|
| Michael C. Williams, |) | |
| Grievant |) | |
| v. |) | |
| Office of Information Systems |) | <u>Docket Number 97-11-106</u> |
| State of Delaware, |) | |
| Agency |) | ORDER OF DISMISSAL |

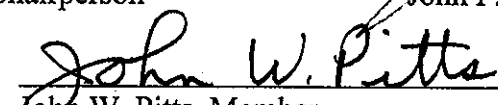
BEFORE Robert Burns, Vice Chairperson, John F. Schmutz and John W. Pitts, Members,
constituting a quorum of the Board pursuant to 29 Del. C. Section 5908(a).

AND NOW, this 12th day of November, 1998, it appearing to the Board that the Grievant, Michael C. Williams, to whom many letters and e-mail requests were sent by the MERB office, beginning in March, 1998, regarding pursuance of his grievance and to which he has never responded and, therefore the Board finds that this grievance has been abandoned by Mr. Williams. The Office of Information Systems, through their representative, Lawrence Lewis, Deputy Attorney General, does not object to this grievance being considered abandoned and dismissed.

IT IS ORDERED that the grievance is abandoned and this matter is **DISMISSED**.


Robert Burns, Vice Chairperson


John F. Schmutz, Member


John W. Pitts, Member

APPEAL RIGHTS

29 Del. C. § 5949 provides that the grievant shall have a right of appeal to the Superior Court on the questions of whether the appointing agency acted in accordance with law. The burden of proof of any such appeal to the Superior Court is on the grievant. All appeals to the Superior Court are to be filed within thirty (30) days of the employee being notified of the final action of the Board.

29 Del. C. §10142 provides:

- (a) Any party against whom a case decision has been decided may appeal such decision to the Court.
- (b) The appeal shall be filed within thirty (30) days of the day the notice of the decision was mailed.
- (c) The appeal shall be on the record without a trial *de novo*. If the Court determines that the record is insufficient for its review, it shall remand the case to the agency for further proceedings on the record.
- (d) The Court, when factual determinations are at issue, shall take due account of the experience and specialized competence of the agency and of the purposes of the basic law under which the agency has acted. The Court's review, in the absence of actual fraud, shall be limited to a determinations of whether the agency's decision was supported by substantial evidence on the record before the agency.

DATE MAILED

November 13, 1998 *js*

Original: File
Copies: Grievant
Agency
Agency's Representative
Board
State Personnel Office